

Stephen E. Carroll, #116333
McCormick, Barstow, Sheppard, Wayte & Carruth LLP
5 River Park Place East
Fresno, CA 93720-1501
Telephone: (559) 433-1300
Facsimile: (559) 433-2300

(SPACE BELOW FOR FILING STAMP ONLY)

Mark E. Kogan, #10186
Christopher N. Jones, #81757
Satzberg, Trichon, Kogan & Wertheimer, P.C.
1818 Market St., 30th Floor
Philadelphia, PA 19103
Telephone: (215) 575-7600
Facsimile: (215) 575-7688

Attorneys for Defendants

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

FLAGSHIP WEST, LLC, *et al.*,

Case No. CIV-F-02 5200 OWW

Plaintiffs,

v.

**STIPULATION AND ORDER
RESCHEDULING HEARING DATE**

EXCEL REALTY PARTNERS, L.P., *et al.*,

Date: November 1, 2005

Time: 9:00 a.m.

Defendants.

Judge: The Honorable Oliver W. Wanger

Plaintiffs, Flagship West, LLC, Marvin G. Reiche, and Kathleen Reiche and Defendants, Excel Realty Partners, L.P. and New Plan Excel Realty Trust, Inc., through counsel, hereby stipulate and agree, subject to the approval of the Court, that the post-trial hearing set for November 1, 2005 be rescheduled to December 12, 2005 at 9:00 a.m.

Dated: October 21, 2005

LAW OFFICES OF WHITNEY F.
WASHBURN

KOGAN, TRICHON & WERTHEIMER, P.C.

By: \s\ Whitney F. Washburn
Whitney F. Washburn
Attorney for Plaintiffs

By: \s\ Mark E. Kogan
Mark E. Kogan
Attorney for Defendants

ORDER

Good cause appearing therefore, IT IS SO ORDERED.

Dated: October _25, 2005

By: ___/s/ OLIVER W. WANGER

The Honorable Oliver W. Wanger

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